

# Notice of Allowability

Applicati n No.

08/838,452

Examiner

Ernest F. Karlsen

Applicant(s)

FARNWORTH ET AL.

Art Unit

2829

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed April 14, 2004.
2. ☒ The allowed claim(s) is/are 78-82,87,88,90-93 and 96-98.
3. ☒ The drawings filed on 13 September 1993 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
KAMAND CUNEO  
SUPERVISORY PATENT EXAMINER

  
ERNEST KARLSEN  
PRIMARY EXAMINER

The arguments in Appellant's Brief are found persuasive and the Final Rejection is withdrawn and all claims allowed.

### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance: Appellants' arguments in their Brief have given terms used in the claims limited meaning and such meaning is found to render all claims allowable. Appellants are convincing in their arguments that the combination of references applied in the Final Rejection do not have the equivalent of Appellants' "biasing member" 83. In addition Appellants provide convincing arguments that the combination of references applied in the Final Rejection do not have the equivalent of Appellants' bump having "a height" as used by Appellants.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Examiner's Comment**

Appellants indicate claims 83 and 94 to be withdrawn in their Appeal Brief and in recent amendments but claims 83 and 94 were cancelled in the amendment filed April 7, 1997 so they are no longer in the application.

The terminal disclaimer filed on November 16, 1998 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 5,302,891 has been reviewed and is accepted. The terminal disclaimer has been recorded.

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Claims 78-82, 87, 88, 90-93 and 96-98 are allowed.

Any inquiry concerning this communication should be directed to Ernest F.


Karlsen at telephone number 571-272-1961.

Ernest F. Karlsen

June 22, 2004



ERNEST KARLSEN  
PRIMARY EXAMINER



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